

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES

December 8, 2015

Chairman R. Hilt called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: R. Hilt, B. Larson, E. Carter, E. Fordham

MEMBERS ABSENT: S. Warmington, T. Halterman, W. German

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: J. Lewis, J. Lewis

ELECTIONS

A motion to retain R. Hilt as Chairman and E. Fordham as Vice Chairman was made by B. Larson, supported by E. Carter and unanimously approved.

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of December 8, 2015 be approved was made by B. Larson, supported by E. Carter and unanimously approved.

PUBLIC HEARING

Hearing; Case 2016-02: Request for a variance from Section 404 of the zoning ordinance to allow a property to have 17% of the lot covered in pavement in a R-1, Single Family Residential district at 1686 Beach St, by Jeff and Julie Lewis. M. Franzak presented the staff report. This parcel measures 5,410 square feet, which makes it an unbuildable lot by today's standards. However, it is considered a legal lot of record because it was a legal lot at the time it was platted, and no changes to the size of the lot have been made since then. The applicants will be putting an addition on the home, which will include a garage in the front of the home. Currently, there is no garage and the only parking pad is located behind the house. This parking pad will be removed during the addition. They would like to put a new driveway in front of the house that will lead to the garage. The ordinance allows residential properties to have a maximum pavement coverage of 10% of the property, which would allow this property to have 541 square feet of pavement. This property is unique because there is an easement on it which serves as the ingress/egress to five other properties in this block. A portion of this paved alley is located on the property at 1686 Beach St and cannot be removed. The pavement for this alley that is located on 1686 Beach St totals 440 square feet, leaving only 101 square feet of additional pavement that can be added to the property.

1. In order to have a driveway that will reach their garage, they need an additional 440 sf of pavement on the lot, which will bring their total pavement allotment up to 17% of the property.

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district.
- b. That such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
- c. That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest.
- d. That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner.
- e. That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner.
- f. That the requested variance is the minimum action required to eliminate the difficulty.

I move that the variance request to allow 17% of the property to be covered in pavement at 1686 Beach St be (approved/denied), based on the following review standards listed below (found in Section 2502 of the Zoning Ordinance) and subject to conditions (if any):

OLD BUSINESS

None

OTHER

None

There being no further business, the meeting was adjourned at 4:15 p.m.